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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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KIRTON AND MCCONKIE 60 EAST SOUTH TEMPLE, SUITE 1800 SALT LAKE CITY, UT 84111			EXAMINER SHIFERAW, ELENI A	
			ART UNIT 2436	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/799,921	Applicant(s) DICK, RICHARD	
	Examiner ELENI A. SHIFERAW	Art Unit 2436	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/31/2010 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In line 7 wherein "said information's" is unclear if referring to "personal information" on line 3 or "publicly-available information" line 4.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 1-10 and 12-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn USPN 7076558 B1 in view of Serebrennikov US PG Pubs. 20030078987 A1.

Regarding claim 1, Dunn teaches a method for controlling a release of personal information (see col. 2 lines 10-67, col. 5 lines 49-67, and col. 8 lines 56-61; access control lists specifying user-specific information controlled access of the owner and controlling access to third party user access based on the access control lists, ... user-specific information is, for e.g., ‘personal information’, preferences, data, media content maintained on behalf of the user, user name, user age, user address, credit card number ..., lists ...) comprising:

depositing some personal information regarding an individual with a server (see col. 7 lines 66-67 and fig. 1 element 102; user specific-information stored in the data store 102);

presenting said information over a wide area computer network to said individual to review and verify said information's accuracy (see col. 3 lines 8-18, col. 7 lines 21-34, col. 12 lines 1-64, and , fig. 3; information owner party with authority/grantor is prompted to consent menu to grant or deny access to the requestor ‘repair shop’ of user specific information of the grantor... granting/denying by the grantor is by reviewing the requested access, e.g. 1-6 elements indicated in the message and the verifying whether to grant all elements indicated as 1-6 in the access request message or grant partially by modifying access, e.g. partially granting access to personal demographic information 208 but not to financial information 214 and by writing modified appropriate access rules in the database

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... the owner grantor user viewing the consent menu, considering the requested access request and accepting by clicking "OK");

accepting commentary on the accuracy of said some personal information based on review from said individual (**col. 12 lines 8-64; access owner/grantor accepting the requested access indicated as 1-6 by granting access by reviewing them as displayed on the menu and/or verifying and modifying the displayed access menu for accuracy of owner's personal data and modifying the requested steps to provide some partial access to the requestor and writing the modified access in the access control list of the server);**

obligating organizations that possess additional personal information regarding said individual to not disclose said additional personal information without authorization from said server (**col. 12 lines 8-25; obligating the repair shop and/or other end user servers 'fig. 2 element 220' to use the credit card information of the user only to complete the present transaction and will not share it with third parties ...); and**

instructing said server to not release said some personal information held on the server and to not authorize release of said additional personal information at the obligated organizations without receiving authorization from said individual (**col. 12 lines 8-25, col. 13 lines 19-col. 14 lines 67, and figs. 2-4; the system is programmed to not provide any user-specific information with out the access rules in the database and without the owner's consent).**

Dunn fails to explicitly teach using web crawler programs to locate and retrieve publicly-available information regarding said individual from a plurality of Internet-accessible sources; and wherein said commentary includes explanations of incorrect information on said server.

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However Serebrennikov discloses web crawler programs to locate and retrieve publicly-available information regarding said individual from a plurality of Internet-accessible sources **(par. 49, 68, 74; crawler periodically monitors the network and updates resources/customer profile to provides updated database in the network)**; and wherein said commentary includes explanations of incorrect information on said server **(see par. 98-99, 110-117 and figs. 2A-B&3; when information is incorrect and old the user selecting Live update option that enforces the crawler to manually update the database by the user ... incorrect information and explanation is added).**

Therefore it would have been obvious to one having ordinary skill in the art at the time of invention was made to modify the teachings of Dunn to provide updated and up to date network information by allowing the user enforcing information update provide reason for the update.

Regarding claim 7 Dunn teaches a method for creating a database of verified personal information comprising:

presenting said information over a wide area computer network to said individual to review and verify said information's accuracy **(see col. 3 lines 8-18, col. 7 lines 21-34, col. 12 lines 1-64, and , fig. 3; information owner party with authority/grantor is prompted to consent menu to grant or deny access to the requestor 'repair shop' of user specific information of the grantor... granting/denying by the grantor is by reviewing the requested access, e.g. 1-6 elements indicated in the message and the verifying whether to grant all elements indicated as 1-6 in the access request message or grant partially by modifying access, e.g. partially granting access to personal demographic information 208 but not to**

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financial information 214 and by writing modified appropriate access rules in the database ... the owner grantor user viewing the consent menu, considering the requested access request and accepting by clicking "OK");

accepting commentary on the accuracy of said information based on said review from said individual over the wide area computer network (**col. 12 lines 8-64 and fig. 3-4; access owner/grantor accepting the requested access indicated as 1-6 by granting access by reviewing them as displayed on the menu and/or verifying and modifying the displayed access menu for accuracy of owner's personal data and modifying the requested steps to provide some partial access to the requestor and writing the modified access in the access control list of the server**);

including said commentary in said database with said information (**col. 12 lines 8-64 and fig. 2-4; modification is stored in the ACL database server**);

receiving a request over said wide area computer network from an authorized individual to review selected portions of said information (**col. 12 lines 8-64; displaying consent menu to the owner**);

instructing said server to not release said some personal information held on the server and to not authorize release of said additional personal information at the obligated organizations without receiving authorization from said individual (**col. 12 lines 8-25, col. 13 lines 19-col. 14 lines 67, and figs. 2-4; the system is programmed to not provide any user-specific information with out the access rules in the database and without the owner's consent**).

presenting said request to said individual for authorization (**fig. 3**);

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presenting said selected portions of said information over said wide area computer network to said authorized individual (**fig. 3**); and

providing access to said database and said commentary to third parties (**see col. 7 lines 21-34, col. 12 lines 1-64, and fig. 3**); and

obligating organizations that possess additional personal information regarding said individual to not disclose said additional personal information without authorization from said server (**col. 12 lines 8-25; obligating the repair shop and/or other end user servers ‘fig. 2 element 220’ to use the credit card information of the user only to complete the present transaction and will not share it with third parties ...**).

Dunn fails to explicitly teach using web crawler programs to locate and retrieve publicly-available information regarding said individual from a plurality of Internet-accessible sources; and wherein said commentary includes explanations of incorrect information on said server.

However Serebrennikov discloses web crawler programs to locate and retrieve publicly-available information regarding said individual from a plurality of Internet-accessible sources (**par. 49, 68, 74; crawler periodically monitors the network and updates resources/customer profile to provides updated database in the network**); and wherein said commentary includes explanations of incorrect information on said server (**see par. 98-99, 110-117 and figs. 2A-B&3; when information is incorrect and old the user selecting Live update option that enforces the crawler to manually update the database by the user ... incorrect information and explanation is added**).

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Therefore it would have been obvious to one having ordinary skill in the art at the time of invention was made to modify the teachings of Dunn to provide updated and up to date network information by allowing the user enforcing information update provide reason for the update.

Regarding claim 15, Dunn teaches a method for creating and sharing a database of verified personal information comprising:

presenting said information and the sources of said information over the wide area computer network to said individual to review and verify said information's accuracy (**see col. 3 lines 8-18, col. 7 lines 21-34, col. 12 lines 1-64, and , fig. 3; information owner party with authority/grantor is prompted to consent menu to grant or deny access to the requestor 'repair shop' of user specific information of the grantor... granting/denying by the grantor is by reviewing the requested access, e.g. 1-6 elements indicated in the message and the verifying whether to grant all elements indicated as 1-6 in the access request message or grant partially by modifying access, e.g. partially granting access to personal demographic information 208 but not to financial information 214 and by writing modified appropriate access rules in the database ... the owner grantor user viewing the consent menu, considering the requested access request and accepting by clicking "OK");**

accepting commentary on the accuracy of said information based on said review from said individual over the wide area computer network (**col. 12 lines 8-64 and fig. 3-4; access owner/grantor accepting the requested access indicated as 1-6 by granting access by reviewing them as displayed on the menu and/or verifying and modifying the displayed access menu for accuracy of owner's personal data and modifying the requested steps to**

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provide some partial access to the requestor and writing the modified access in the access control list of the server);

including said commentary in said database with said information **(col. 12 lines 8-64 and fig. 2-4; modification is stored in the ACL database server);**

receiving a request over said wide area computer network from an authorized individual to review selected portions of said information **(col. 12 lines 8-64; displaying consent menu to the owner);**

instructing said server to not release said some personal information held on the server and to not authorize release of said additional personal information at the obligated organizations without receiving authorization from said individual **(col. 12 lines 8-25, col. 13 lines 19-col. 14 lines 67, and figs. 2-4; the system is programmed to not provide any user-specific information with out the access rules in the database and without the owner's consent);**

presenting said request to said individual for authorization **(fig. 3);**

presenting said selected portions of said information over said wide area computer network to said authorized individual along with identification of said sources of said selected portions of said information **(fig. 3)** and any commentary on the accuracy of said selected portions of said information provided by said individual **(col. 12 lines 8-64 and fig. 3-4; access owner/grantor accepting the requested access indicated as 1-6 by granting access by reviewing them as displayed on the menu and/or verifying and modifying the displayed access menu for accuracy of owner's personal data and modifying the requested steps to provide some partial access to the requestor and writing the modified access in the access control list of the server, ... considering and selecting "OK");** and

providing access to said database and said commentary to third parties (**see col. 7 lines 21-34, col. 12 lines 1-64, and fig. 3**); and

obligating organizations that possess additional personal information regarding said individual to not disclose said additional personal information without authorization from said server (**col. 12 lines 8-25; obligating the repair shop and/or other end user servers ‘fig. 2 element 220’ to use the credit card information of the user only to complete the present transaction and will not share it with third parties ...**).

Dunn fails to explicitly teach using web crawler programs to locate and retrieve publicly-available information regarding said individual from a plurality of Internet-accessible sources.

However Serebrennikov discloses web crawler programs to locate and retrieve publicly-available information regarding said individual from a plurality of Internet-accessible sources (**par. 49, 68, 74; crawler periodically monitors the network and updates resources/customer profile to provides updated database in the network and see par. 98-99, 110-117 and figs. 2A-B&3; that discloses: when information is incorrect and old the user selecting Live update option that enforces the crawler to manually update the database by the user ... incorrect information and explanation is added**).

Therefore it would have been obvious to one having ordinary skill in the art at the time of invention was made to modify the teachings of Dunn to provide updated and up to date network information by allowing the user enforcing information update provide reason for the update.

Regarding claim 2 Dunn teaches the method wherein said server is Internet-accessible (see fig. 2-3).

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Regarding claim 3 combination teaches the method wherein using web crawler programs to locate and retrieve publicly-available information regarding said individual from a plurality of Internet-accessible sources occurs automatically (see Dunn col. 4 lines 6-67 and Serebrennikov **par. 49, 68, 74**).

Regarding claims 4 and 10 Dunn teaches the method wherein said individual is a member of a database service (see col. 38-39 table 1 and col. 39 lines 46-67).

Regarding claim 5, Dunn teaches the method wherein said personal information comprises database entries (see figs. 1-4).

Regarding claim 6 Dunn teaches the method wherein said obligated organizations are subscribers to a database service (see col. 12 lines 6-67 and table 1 on col. 38-39).

Regarding claim 8 Dunn teaches wherein said wide area computer network is an internet (see fig. 2-4).

Regarding claim 9 Serebrennikov teaches wherein said the step of automatically gathering information further comprises using web crawler programs to locate and retrieve publicly-available information regarding said individual from a plurality of Internet-accessible sources Serebrennikov **par. 49, 68, 74**).

Regarding claim 12 Dunn teaches wherein said third parties are subscribers to a database service

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(see col. 12 lines 6-67 and table 1 on col. 38-39).

Regarding claim 13 Dunn teaches the method wherein said authorized individuals are members of a database service (see figs. 2-4 and col. 38-39 table 1 and col. 39 lines 46-67).

Regarding claim 14 Dunn teaches wherein obligating organizations that possess additional personal information regarding said individual to not disclose that additional personal information without authorization from said server comprises: receiving a disclosure from said individual at said server identifying said organizations that possess said additional personal information; contacting said organizations that possess said additional personal information with said server; and receiving a contractual agreement from said organizations that possess said additional personal information to not release said additional personal information to third parties without first contacting said server for authorization (see col. 12 lines 1-67 and figs. 3-4).

Regarding claim 16 the combination teaches further comprising: supplementing said information regarding the individual by a continuous gathering process; notifying said individual of updates to said information located by said continuous gathering process; and accepting further commentary on the accuracy of said updates to said information from said individual over the wide area computer network (Dunn figs. 1-4 and Serebrennikov 49, 68, 74 and 98-117).

Regarding claim 17 Dunn teaches further comprising: receiving a search of said database from a third party that results in information about said individual being displayed to said third party; and notifying said individual of said search and said display (figs. 2-4).

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Regarding claim 18 Dunn teaches further comprising: receiving additional information from said individual over the wide area computer network; and receiving a designation from said individual designating said additional information as one of: information to be made available to all subscribers of said database; and information to be released only upon specific authorization of said individual (see figs. 1-5).

Regarding claim 19 Dunn teaches wherein the commentary on the accuracy of said information comprises an indication that a portion of said information is incorrectly associated with said individual (see col. 12 lines 6-67 and fig. 3).

Regarding claim 20, the combination teaches, further comprising requiring said third parties to register with said database and present said database with identifying information prior to providing access to said database and to said commentary to said third parties (Dunn figs. 2-3 and Serebrennikov 49, 68, 74 and 98-117)

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELENi A. SHIFERAW whose telephone number is (571)272-3867. The examiner can normally be reached on Mon-Fri 6:00am-2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser R. Moazzami can be reached on (571) 272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Eleni A Shiferaw/

Primary Examiner, Art Unit 2436